

## MEMORANDUM



**TO:** Joanne DiNardo, Ray Racine, John Roseberry, Roger Brooks, Christopher Knuth  
**FROM:** Emily Scerbo and Jessica Richard  
**DATE:** October 1, 2013  
**RE:** **Frequently Asked Questions**  
**Proposed Stormwater and Erosion Control Ordinance for the City of Leominster**

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### 1. Why does the City need this Ordinance? Aren't there enough permitting requirements for new development and redevelopment in Leominster already?

- This Ordinance is **required by the U. S. Environmental Protection Agency (EPA)**. The EPA requires Leominster and hundreds of other communities in Massachusetts to adopt laws that address the impacts of construction site stormwater runoff, post-development stormwater runoff, and nonpoint source pollution, in order to provide reasonable control of stormwater runoff quantity and quality and protect surface water, groundwater, and drinking water supplies, and prevent flooding.
- Stormwater runoff from new development and redevelopment projects, both during and after construction, can adversely affect **public safety, public and private property, surface water, drinking water supplies, groundwater resources, recreation, aquatic habitats, and can cause flooding**. Many of these negative effects can be controlled through careful site planning and the application of various stormwater Best Management Practices (BMPs).
- This Ordinance closes the **jurisdiction gap** between the Wetlands Protection Act, the Subdivision Control Law, and local Zoning Code to require stormwater management for land disturbing projects greater than 5,000 square feet. When these currently unregulated projects create polluted runoff that damages the City's lakes, ponds, rivers, and streams and damages drainage infrastructure, the City has very limited, if any, legal recourse.
- The Ordinance **creates consistent local stormwater standards**. The minimum water quality and quantity standards are consistent with the Massachusetts Stormwater Management Policy, currently only required within wetland resource areas, and EPA's Construction General Permit, which requires erosion and sediment control for projects disturbing one acre or more.

### 2. Who will need a Stormwater Management Permit?

Project proponents will need to obtain a permit for projects falling under these categories:

- All **subdivisions** as defined in the Massachusetts Subdivision Control Law (MGL c. 41 §§ 81K – 81GG) requiring approval of a definitive subdivision plan;
- Any activity that will result in a land disturbance of **one acre or greater** within the City of Leominster; and
- Land-disturbing activities occurring at least in part within the City of Leominster that will disturb **equal to or greater than 5,000 ft<sup>2</sup> but less than 1 acre** are subject to the minimum criteria included in the regulations promulgated pursuant to the Ordinance and will file an Abbreviated Application.

A list of exemptions is included in Section IV of the Ordinance.



### 3. Who will be the Stormwater Authority?

The **Conservation Commission** will be the Stormwater authority, responsible for administering and enforcing the Ordinance. The **Department of Public Works (DPW)** will have limited authority to review and approve Stormwater Management Permit applications for projects that will disturb equal to or greater than 5,000 ft<sup>2</sup> but less than 1 acre.

### 4. How long will it take to get a Stormwater Permit?

The time frame for receiving a Permit will be approximately the same as obtaining other permits for development projects in Leominster, and the review and approval process will be concurrent to other local permitting.

### 5. How has the City minimized the burden of this new Ordinance on developers?

**The proposed Bylaw is not intended to limit new development projects.** Rather the Bylaw sets clear and consistent stormwater management goals, standards, and design criteria to reduce the negative impacts of large and small construction projects. The City has minimized the financial burden on developers by:

- **Referring to existing standards and regulations that developers are familiar with.** For projects disturbing 1 acre or more, the City requires implementation of the ten Massachusetts Stormwater Management Standards and submittal of a Stormwater Pollution Prevention Plan, which is already required under EPA's Construction General Permit.
- **Exempting projects subject to the Wetlands Protection Act** working under an Order of Conditions from the Conservation Commission.
- Implementing an administrative review process through the DPW with an **abbreviated application for projects less than 1 acre.**
- **Waiving Public Hearings** and abutter notification for all projects unless Design Standards cannot be met.
- **Streamlining the local permitting process.** For projects already subject to a Definitive Subdivision review or Site Plan Review, the applicant must meet the Stormwater and Erosion Control Ordinance requirements; however the Subdivision or Site Plan Review process shall govern. Documentation of compliance with the Ordinance must be included in these application packages. The Stormwater Authority will provide their written decision to the Planning Board within the existing permitting timeframe.

### 6. Will I need a Stormwater Management Permit for construction of a single family home?

Yes, you will need a Stormwater Management Permit if the total area that will be disturbed, cleared, excavated, etc. will be 5,000 ft<sup>2</sup> or more.

- If the land disturbing activity is less than 1 acre, there will be reduced submittal requirements and an administrative approval process through the DPW. Typical landscaping, gardening, and lawn maintenance does not require obtaining a permit.
- If your project will disturb more than 1 acre, it is likely that you will need to employ a Professional Engineer to design many aspects of your project to meet the Massachusetts Stormwater Management Standards and to prepare a Stormwater Pollution Prevention Plan already required under EPA's Construction General Permit.